

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
July 18, 2011**

**CALL TO ORDER**

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on July 18, 2011, at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

The meeting opened with the Pledge of Allegiance to the flag.

**ROLL CALL**

The following members were present: Mayor Martin; Councilmembers Quigley, Wickstrom and Withhart.

Councilmember Huffman was absent.

Councilmember Wickstrom left after the *Council Comments* portion of the meeting.

**APPROVAL OF AGENDA**

Councilmember Wickstrom requested the following changes to the agenda, as she had to leave early: 1) consider agenda item No. 13 first, as four Council votes are required for approval; 2) take Council Comments.

MOTION: by Councilmember Withhart, seconded by Councilmember Quigley to approve the July 18, 2011 agenda as amended.

VOTE: Ayes - 4 Nays - 0

**RENEWAL OF ELECTRIC AND GAS FRANCHISE AGREEMENTS - XCEL ENERGY**

**Presentation by City Manager Terry Schwerm**

The City's current electric and gas 20-year franchise agreements were executed with Northern States Power (now d/b/a Xcel Energy) in 1991, and they expire in August. Ordinance Nos. 881 and 882 are proposed to renew the franchise agreements. Many of the provisions of the franchise are the same, but language has been modified based on a new model ordinance developed by the League of Minnesota Cities.

Key provisions include: 1) 20-year duration; 2) allows utilities to use public grounds and right-of-ways to operate and maintain their utility system; 3) any disturbance to public grounds shall be restored in a timely manner to the condition that previously existed and should restoration not be done in a timely manner, there are remedies for the City to have the work done and recover the costs; 4) requirement for the Company to promptly relocate its facilities in public right-of-ways at its own expense for any future public projects within those right-of-ways; 5) City is held free and harmless for any and all liability from use and operation of electric and gas utilities within public right-of-ways and public grounds; 6) preserves right of City to impose a franchise fee of 5% for both electric and gas.

The City did not impose a franchise fee in the previous 20-year agreement, but would like to retain this flexibility. A separate ordinance would be required to amend the franchise agreement, if the fee were imposed, and a 90-day waiting period is required before the fee could be imposed. Further language changes bring the City's ordinances into compliance with state statutes or Public Utilities Commission rulings.

Staff is recommending approval of the two ordinances.

Councilmember Withhart noted that if the City were to impose a fee, it would be passed on to property owners. Many cities have stiff franchise fees in addition to the tax levy. Shoreview has been able to live within the levy limits without these extra fees.

Mayor Martin agreed but cautioned that in the future the City may have to resort to this source of revenue.

Councilmember Wickstrom asked if a two year warranty is long enough to assure proper restoration of public property as a result of any utility project. Mr. Schwerm responded that the amount of traffic on streets would indicate any problems with restoration work before two years. Mr. Maloney added that there has been no problem with road patch repairs. If there were a problem, it would be apparent right away.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt Franchise Ordinance nos. 881 and 882 granting Northern States Power company, d/b/a Xcel Energy, to operate both electric and gas franchises in the City and to adopt and order publication of ordinance summaries for both the electric and gas franchises.

**Discussion:**

**Mr. John Wertish**, Community Relations Manager, Xcel Energy, White Bear Lake, personally thanked City staff and City Attorney Filla for their effort on these agreements. On behalf of Xcel Energy, he is grateful for the adoption of the ordinances.

ROLL CALL:           Ayes: Quigley, Wickstrom, Withhart, Martin  
                  Nays: None

**COUNCIL COMMENTS**

**Councilmember Wickstrom:**

Thank you to staff for prompt action after the storm last Friday night. There were flooded streets, and many residents had flooded basements. Staff did a great job monitoring flooded areas.

Councilmember Wickstrom left at this point in the meeting due to a family emergency.

**Councilmember Withhart:**

The Shoreview Northern Lights Variety Band will play at the outdoor Wednesday night concert. Mayor Martin noted that the band concert will be indoors at the Community Center due to the heat.

This weekend is the *Slice of Shoreview*.

Also commended staff for their efforts to redirect traffic around flooded streets. Requested further details about flooding conditions in the City after the storm. Mr. Maloney reported that storm sewers are built for 10-year rain events. The rain on Friday and then on Saturday approached a 50- to 100-year event, which meant that it took some time for the water to drain.

Mayor Martin added that she would encourage boaters to take extra precaution on Shoreview lakes to prevent shoreline erosion.

**Councilmember Quigley:**

Tuesday, August 2, 2011, will be *Night to Unite* for neighborhood gatherings from 5:00 to 9:00 p.m. City Councilmembers attend as many as possible, and neighborhoods can make reservations with the Sheriff's Department for deputies to visit their parties.

Anna Gottweiler and Maria Keiler contacted him for an interview on aspects of Shoreview history. These two students are also collaborating on a Gold Award, which is the equivalent of an Eagle Scout award. At the appropriate time, it is his hope they will be recognized by the City for this achievement.

Mayor Martin responded that letters are sent to the Girl Scouts regarding Gold Award winners, but the response is not the same as it has been with the Eagle Scouts.

**Mayor Martin:**

This is the last week of hazardous waste collection on Friday and Saturday at the public works facility on Highway 96. It is free to Ramsey County residents.

A reminder that the Farmer's Market has an amazing amount of produce now.

Friday night flix outdoor movies will begin Friday, August 5, in the area by the pavilion at the Community Center. The first movie is *Despicable Me*.

**PROCLAMATIONS AND RECOGNITIONS**

There were none.

**CITIZEN COMMENTS**

**Mr. Mark Stange**, 655 Evergreen Circle, stated that the annual Tour de Trails will take place during the *Slice*. The website needs to be corrected to say that it is a ride, not a race. It begins at the Deluxe parking lot at 8:30 a.m.

The Turtleman Triathlon will be Saturday, August 13, 2011. Registration is down this year and he urged anyone interested to sign up to participate. The next 50 people who sign up will receive a \$20.00 gift certificate at Gear West. Registration can be done online at [www.turtleman.com](http://www.turtleman.com) right up to the time of the event. The full triathlon last year experienced problems at the beach on Turtle Lake. This year there will be no swimming. It will be a duathlon with biking and short run added at the beginning of the race.

**CONSENT AGENDA**

Mr. Schwerm noted that the minutes of the Special Council Meeting on July 11, 2011 should be changed to show that Joan Bettinger spoke, not John Bettinger.

Councilmember Withhart stated that he was not present for the July 5<sup>th</sup> meeting or the July 11<sup>th</sup> meetings. Mayor Martin stated that the minutes will be held over until a quorum of the Council is present for approval.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Withhart to adopt the consent agenda of July 18, 2011, with the exclusion of item Nos. 1, 2, July 5, City Council Meeting and Workshop Meeting Minutes; and No. 3, July 11 Special Meeting Minutes, approving the necessary motions and resolutions for item Nos. 4 through 11:

4. Monthly Reports:
  - Administration
  - Community Development
  - Finance
  - Public Works
  - Park and Recreation
5. Verified Claims in the Amount of \$1,617,742.30
6. Purchases
7. Approval of Upgrade to Card Access System
8. Approval of Quotes and Authorize Project - Water System Improvements, CP 11-05
9. Developer Escrow Reductions
10. Change Order #2 and Payment #2 (Final)--2010 Pavement Rehabilitation, CP 10-08
11. Approval of Replacement Office Furniture

VOTE:           Ayes - 3                           Nays - 0

**RECEIPT OF BIDS AND AWARD OF CONTRACT - BUFFALO LANE  
RECONSTRUCTION, CP 11-09**

**Presentation by Public Works Director Mark Maloney**

This project is for street reconstruction, extension of city water and sanitary sewer, and the addition of a storm water system on Buffalo Lane. The Council approved plans and specifications on June 20, 2011. Six bids were received and opened on July 12, 2011. The low bid from C. W. Houle, Inc. is \$249,006.20. The Engineer's estimate is \$266,400.00.

Project costs would be:	Street	\$116,550
	Storm Sewer	99,775
	Water Main	53,575
	Sanitary Sewer	41,350

The total cost estimate is \$311,250, which includes engineering and administration. C. W. Houle, Inc. has performed projects in the City previously. Staff is recommending acceptance of the low bid from C. W. Houle, Inc.

MOTION:     by Councilmember Withhart, seconded by Councilmember Quigley to adopt Resolution No. 11-41, which accepts the base bid of C. W. Houle, Inc. for the Buffalo Lane Reconstruction, City Project 11-09, and authorizes the Mayor and City Manager to execute a construction contract in the amount of \$249,006.20.

ROLL CALL:     Ayes: Withhart, Quigley, Martin  
                      Nays: None

**APPOINTMENT TO PUBLIC SAFETY COMMITTEE**

Mayor Martin stated that there are currently six members serving on the Public Safety Committee. The maximum for the Committee is nine. A vacancy was advertised. The Committee reviewed applications at its May 19<sup>th</sup> meeting and recommends approval of Jeff Tarnowski to be appointed.

MOTION: by Councilmember Withhart, seconded by Councilmember Quigley to appoint Jeff Tarnowski to the Public Safety committee for a term ending January 31, 2013.

VOTE: Ayes - 3 Nays - 0

**ADJOURNMENT**

MOTION: by Councilmember Withhart, seconded by Councilmember Quigley to adjourn the meeting at 7:40 p.m.

VOTE: Ayes - 4 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 1<sup>ST</sup> DAY OF AUGUST, 2011.

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Terry C. Schwerm  
City Manager